

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Review of the Commission's)	MM Docket No. 98-204
Broadcast and Cable)	
Equal Employment Opportunity)	
Rules and Policies)	

To: The Commission

**REPLY COMMENTS OF
AMERICAN WOMEN IN RADIO AND TELEVISION, INC.**

AMERICAN WOMEN IN RADIO AND TELEVISION, INC. ("AWRT") hereby submits its reply comments in connection with the Commission's *Second Notice of Proposed Rulemaking* in this proceeding.¹ The *Second NPRM* sought comments on proposed rules governing equal employment opportunity ("EEO") in the broadcast and cable industry. In response, a wide range of opinion was expressed in comments filed by broadcasters, trade associations, and advocacy organizations, including AWRT.²

Because AWRT is in general agreement with those commenters who support the FCC's proposed EEO rules³, this reply is limited to certain comments with which AWRT takes issue - - namely, the Joint Comments of the Named State Broadcasters Associations ("Associations Joint

¹ *Second Notice of Proposed Rulemaking* in MM Docket No. 98-204, FCC 01-363, 16 FCC Rcd 22843 (2001) (the "*Second NPRM*").

² AWRT, a national, non-profit organization dedicated to advancing the impact of women in electronic media and allied fields, filed Comments in this proceeding on April 15, 2002 (the "AWRT Comments").

³ See, e.g., Comments of the National Cable & Telecommunications Association; Comments of National Organization for Women/NOW Legal Defense Fund/Feminist Majority Foundation/Philadelphia Lesbian & Gay

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Comments”) and the Comments of the National Association of Broadcasters (“NAB Comments”).⁴

Initially, however, AWRT acknowledges the many praiseworthy activities relating to recruitment and outreach undertaken by the Associations, the NAB and some of their respective constituents enumerated in the Associations Joint Comments at 13-26 and the NAB Comments at 4-11. Such activities are vitally important to the development of a vibrant, diverse broadcast industry and frankly, make good business sense. AWRT not only commends them, but also urges the NAB and Associations to continue these exemplary efforts to strengthen the diversity of our workplace. Regrettably, however, current employment statistics demonstrate that notwithstanding such voluntary activities, women and minorities remain under-represented compared with their presence in the labor force generally, and have not made substantial progress climbing the ranks to management within the industry. Thus, voluntary efforts of some within the industry plainly are no substitute for a comprehensive regulatory scheme requiring all non-exempt broadcast stations and cable systems nationwide to not only engage in meaningful outreach and recruitment efforts, but also to be accountable for such efforts.⁵ Accordingly, AWRT urges the Commission to forge ahead to adopt new and meaningful EEO rules supported by public accountability and backed by the full enforcement authority of the FCC. Such rules

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Task Force/Women’s Institute for Freedom of the Press; Comments of The Lawyers Committee for Civil Rights Under Law and People for the American Way Foundation; Comments of EEO Supporters.

⁴ Although other commenters expressed opinions with which AWRT disagrees, no inference of concurrence should be drawn from the fact that the focus of AWRT’s Reply is limited to addressing the comments of the NAB and the Associations.

⁵ We note that all broadcast stations in this country are not members of the NAB. Nor, does every broadcast station in a particular State belong to that State’s broadcasters association. Thus, the NAB and the Associations cannot

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should require wide dissemination of job vacancy notices and mandate the implementation of supplemental initiatives and other measures designed to achieve broad outreach. AWRT continues to believe that substantial and consistent initiatives at the grass roots level, i.e., broad recruitment and supplemental EEO initiatives, will serve as the foundation that will ultimately yield a truly diverse workforce, and appropriately afford equal employment opportunity for all.

I. THE FACTUAL RECORD JUSTIFIES A REGULATORY SCHEME DESIGNED TO ENSURE THAT ALL BROADCASTERS ENGAGE IN NON-DISCRIMINATORY HIRING PRACTICES AND ALL NON-EXEMPT BROADCASTERS ENGAGE IN BROAD OUTREACH AND RECRUITMENT.

NAB faults the Commission for failing to recognize past industry efforts to achieve a diverse workforce, and the success of such efforts.. NAB goes on to assert that “barring any clear and convincing evidence to the contrary, the Commission must presume that its rules have been effective.”⁶ The Associations claim that Commission-imposed EEO rules are neither necessary nor justified, arguing that “the Commission has not produced – and cannot produce – any evidentiary record of industry-wide problems relating to broadcast industry recruitment even though broadcasters have been operating without an explicit FCC mandated EEO outreach requirement.”⁷ Rather, the Associations tout voluntary recruitment activities undertaken within the industry during the last two-and-one-half years since the previous EEO rules were vacated, arguing that such activities make any new regulation unnecessary.⁸

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ensure that all broadcasters engage in meaningful, widespread outreach and recruitment, or that those who currently do will continue to do so.

⁶ NAB Comments at 12.

⁷ Associations Joint Comments at 12.

⁸ *Id.* at 12, 32.

With all due respect to NAB, the Associations and their respective members' voluntary efforts, neither the NAB nor the Associations offer any empirical evidence in support of the underlying premise of their position; namely, that these voluntary efforts have been so effective that FCC regulation is unnecessary. On the contrary, they wholly ignore the cold, hard reality revealed in readily available broadcast industry employment statistics.⁹ That reality is that women remain substantially underrepresented in the broadcast industry, particularly in management positions.¹⁰ These present day circumstances provide the very compelling facts and underlying logic for an FCC regulatory scheme, which the Associations claim is missing.¹¹ In other words, notwithstanding the laudable outreach efforts among some broadcasters, it is clear from the statistical evidence that voluntary efforts have not resulted in a significant increase in the diversity of broadcast management personnel in recent years. Moreover, because neither the NAB nor the Associations can guarantee that all broadcast stations nationwide voluntarily engage in substantial outreach and recruitment, a regulatory overlay imposed and meaningfully enforced by the FCC is still needed. In sum, the empirical evidence of continuing workplace inequity, and by extrapolation, inequality of employment opportunity, coupled with the Commission's ongoing Congressional mandate under the Communications Act of 1934, as amended, demand the adoption of new rules.¹²

⁹ See, e.g., AWRP Comments at 3-5 and Appendices A, B and C; Comments of NOW, et al at 2-3.

¹⁰ It is acknowledged that to pass Constitutional muster, EEO rules cannot mandate the use of quotas or a statistical outcome; nonetheless, examining employment data is the best measure of evaluating the effectiveness of the industry's recruitment activities in reaching a diverse applicant pool.

¹¹ Associations Joint Comments at 31.

¹² The Associations (Joint Comments at 29) posit an illusory argument that the FCC lacks statutory authority to adopt EEO rules because Congress has "remained silent" since the United States Court of Appeals for the District of Columbia twice struck down the FCC's EEO rules, first in *Lutheran Church-Missouri Synod v. FCC*, 141 F.3d 344,

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II. THE PROPOSED ALTERNATIVE EEO PLANS OF THE NAB AND ASSOCIATIONS ARE SORELY INADEQUATE.

AWRT takes issue with the alternative proposals for EEO outreach and recruitment that the NAB and Associations each provide in their respective Comments.¹³ As shown below, most are devoid of any affirmative efforts of outreach and recruitment, and none contain incentives for compliance. The proposals simply are not comprehensive enough to ensure that all stations that should be engaged in outreach and recruitment are so engaged in a meaningful way.

A. The NAB Options

In lieu of the FCC's EEO proposal, the NAB proposes an EEO regime that would require stations with ten or more full-time employees¹⁴ to certify compliance every four years with one of the following: (i) compliance with Office of Federal Contract Compliance Program ("OFCCP") EEO regulations; (ii) completion of their state broadcaster association's "Broadcast Careers" program; or (iii) completion of the required mix of the NAB's General and/or Specific Outreach Initiatives.¹⁵ The NAB also proposes little in the way of record retention, no public

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43 *reh'g denied*, 154 F.2d 487, *reh'g en banc denied*, 154 F.3e 494 (D.C. Cir. 1998), and subsequently in *MD/DC/DE Broadcasters Association v. FCC*, 236 F.3d 13, *reh'g denied*, 253 F.3d 732 (D.C. Cir. 2001), *cert. denied subnom.*, *MMTC v. FCC*, 122 S.Ct. 920 (2002). Contrary to the Associations' position, however, it is wholly illogical to draw such an inference from Congressional silence. Conversely, one could assume that since Congress has witnessed the Commission's efforts to re-craft its EEO regulations since 1998, if Congress wished to eliminate the FCC's authority in this area, it would have affirmatively taken legislative steps to do so. Thus, AWRT believes the Commission is on firm statutory footing to adopt revised rules for the reasons stated in the *Report and Order* adopted in this proceeding, 15 FCC Rcd. 2329 (1998) at ¶¶17 et seq. ("*Report and Order*")

¹³ Although the FCC's proposed rules apply to cable system operators as well as broadcast licensees, AWRT observes that neither the NAB Comments nor the Associations Joint Comments address the applicability of their alternate proposals to non-broadcasters.

¹⁴ AWRT reiterates its opposition to any expansion of the proposed exemption for small employment units (i.e., broadcasters with fewer than five and cable entities with fewer than six full-time employees). See AWRT Comments at 17.

¹⁵ NAB Comments at 16-17.

reporting on a station's employment recruitment activities, extremely restricted FCC access to station records documenting compliance with the proposed rules, and absolutely no meaningful FCC enforcement of its own rules.

B. The Associations' Proposed Requirements

While arguing that the FCC has no justification whatsoever for imposing any EEO regulation, the Associations concede that if FCC rules are to be imposed, only the following requirements should be adopted: (i) the posting of at least 50% of a station's full-time job vacancies on the website of either the station, its Association, the NAB, the NASBA or other employment and recruitment website; (ii) stations' promotion of the foregoing websites over the air; (iii) stations providing notices of job openings to requesting referral organizations either directly or through their Association or another third party; (iv) no maintenance or publication of Annual Employment Reports (FCC Form 395-B); at most, the submission of data on race, gender and ethnicity of employees should be to a third party that would compile it and provide it to the government in anonymous form ; (v) the filing by non-exempt stations every four (4) years of a certification that they complied with (i) – (iii) above; (vi) stations' retention of documentation evidencing compliance with (i) – (iii), which documentation could be discarded one year after filing the certification of compliance describe at (v) above and would never be available to the public, but only to the FCC on a privileged basis; and, (vii) Commission requests for information about discrimination complaints would be limited to pending complaints or complaints resolved adversely to the station during the license term.¹⁶

¹⁶ Association Joint Comments at 43, 48-51, 53-56. There is an apparent internal inconsistency in the Associations Joint Comments regarding their position on FCC access to station information relating to discrimination complaints.

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C. The NAB and Associations' Proposals Lack Affirmative Initiatives, Accountability and Are Inapplicable to All Non-exempt Broadcasters

The NAB's first option for compliance - - certifying compliance with the OFCCP Program - - by AWRT's estimates, would only be available, at most, to a handful of stations currently qualified as federal contractors. Thus, it is not actually an option available to all stations. Moreover, it would appear the majority of stations subject to OFCCP requirements, i.e., those with federal contracts of at least \$10,000, but less than \$50,000, would be subject only to a general anti-discrimination requirement,¹⁷ a requirement with which all FCC licensees must already comply.¹⁸ Only those stations meeting the significantly higher threshold of having government contracts in excess of \$50,000 and having more than 50 employees would be subject to more comprehensive EEO undertakings, such as designating a responsible staff member, evaluating the local labor pool, executing programs designed to remove barriers to employment and expand employment opportunities, all of which are part of the affirmative action plan required of employers meeting the 50-employee and \$50,000 threshold.¹⁹ In AWRT's view, far too few stations would ever be subject to these heightened EEO obligations to make this a viable option for affording equal employment opportunities or broad outreach.²⁰

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Compare Association Joint Comments at 56 with Association Joint Comments at iii, urging that any Commission request for information about discrimination complaints be limited to final, adjudicated decisions and should exclude pending complaints.

¹⁷ 41 C.F.R. §§60-1.4, 60.250.1 and 60.741.1.

¹⁸ See *Second NPRM*, 16 FCC Rcd at 22847, Note 19.

¹⁹ 41 C.F.R. §60.2.17(a)-(c).

²⁰ Moreover, AWRT understands that OFCCP, like many governmental agencies, historically has had limited resources to conduct audits of covered employers, and, therefore, has been unlikely to even discover a failure to comply. Furthermore, even when the agency has discovered violations of the affirmative action requirements, employers have routinely avoided any adverse consequences by simply agreeing to implement a program going

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The second option under NAB's proposal is certifying compliance with the NASBA Program. However, the NAB's description of the NASBA program is ambiguous at best. On the one hand, NAB describes a model program in place since 1999 that includes certain activities reminiscent of the FCC's proposed supplemental initiatives.²¹ However, according to NAB, "for present purposes, NASBA has narrowed its proposed program to focus on (1) Internet recruitment; and (2) the sending of job vacancy announcements to requesting community, minority and other organizations involved in assisting job seekers."²² Thus, it would appear that participation in the current, scaled-down NASBA program would include nothing more than Internet postings of job positions and the distribution of job vacancy announcements to those requesting same. None of the active recruitment or outreach activities (e.g., participation in local job fairs) remain part of the program. In AWRT's view, the NASBA's revised program is wholly insufficient to constitute a meaningful EEO program designed to increase awareness of and access to employment opportunities in the broadcast industry. As further discussed in Section III below, AWRT opposes any proposal that would allow Internet recruitment to serve as the sole or even primary means of conducting recruitment.

Even assuming that the more comprehensive 1999 version of the NASBA program is proposed as an alternative to the FCC's proposed EEO rules, that program merely recommended

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forward. Recent changes in OFCCP rules aim to change the historical enforcement problems, but AWRT nonetheless remains concerned as to the effectiveness of rules without rigorous enforcement. See, David Goldstein, *Taking a New Look at Affirmative Action* published at http://www.faegre.com/articles/article_561.asp

²¹ Participating in or sponsoring internships, mentoring and training programs, participating in seminars, working with female- and minority-specific organizations and others to expand recruitment outreach, disseminating job postings on the Internet, participating in broadcast careers programs and evaluating and conducting program ascertainment. See Associations Joint Comments at Exhibit A.

²² NAB Comments at 20 (emphasis added).

or suggested activities to stations, but provided no quantitative or qualitative standards for stations' participation and, therefore, is no substitute for the FCC's proposed supplemental initiatives.²³

The third option under NAB's proposal, namely, compliance with the NAB Outreach Plan also suffers from significant infirmities. By way of example, one option under the Plan is for a station to certify compliance with at least two "General Outreach Initiatives". These initiatives include "regular attendance at general and group-oriented job fairs" and establishing and administering "an ongoing mentorship program between students and station personnel."²⁴ AWRT contends that these initiatives are wide open to subjective interpretation and misapplication since terms like "regular attendance" and "ongoing" are not defined. Theoretically, one could simply make a habit of dropping by at job fairs without any real participation and still qualify for having performed "outreach". Similarly, establishing and administering an "ongoing" mentorship program could be defined as having one student "shadow" one employee for one day per year. Meaningful, broad outreach? Clearly not. Although stations' certifications would include a listing of their activities in compliance with each initiative, the indefiniteness of certain of the initiatives coupled with the NAB's position that stations report to the Commission once every four years could lead to a significant decrease in recruitment and employment opportunities prior to the Commission, the station or the public recognizing that a real problem exists.

²³ The NAB proposal also does not address the issue of whether a station must be a member of a state broadcasters association to participate in the NASBA program. Presumably, if such membership would be a prerequisite to participation in the program, it would suffer the same infirmities as the OFCCP program in that it is not a viable option available to *all* stations.

²⁴ NAB Comments at 23.

For similar reasons of wholesale inadequacy, the Associations' proposed requirements - - the Internet posting of a minimum of 50% of a station's full-time job vacancies, the on-air promotion of the website where jobs vacancies are posted and the distribution of information about job vacancies to organizations requesting same - - should be rejected out of hand. It should go without saying, but allowing a station to choose which full-time job openings to announce and which to withhold from widespread dissemination (so long as 50% of all positions are posted on the Internet), would only serve to perpetuate the "insular recruitment and hiring process" in the broadcast industry that the Commission seeks to deter with its new EEO rules.²⁵ Therefore, AWRP urges the Commission not to abandon its proposal that, at a minimum, all non-exempt stations engage in wide recruitment for all full-time vacancies.²⁶ Similarly, the Commission should hold fast to its proposal that all non-exempt stations engage in meaningful supplemental outreach activities described in the *Second NPRM* at ¶¶29-31. The Commission's proposal is both quantitatively and qualitatively superior to that proposed by either the NAB or the Associations, and is necessary, in AWRP's view, to create truly equal opportunities for employment in the broadcast industry.

D. The Proposals of the NAB and the Associations Abandon both the Communities Served by Broadcast Stations and the Public Interest in their Lack of Public Disclosure and Accountability.

The NAB and the Associations believe that no justification exists in requiring stations to place EEO information in their public file, and therefore, oppose any public reporting or public file obligations in connection with a station's EEO activities, including the requirement that

²⁵ *Second NPRM* at 22844, ¶5.

²⁶ AWRP maintains, however, that all part-time job vacancies should be subject to similar wide-spread dissemination. See AWRP Comments at 9 – 12.

stations place any sort of EEO public file report on their websites.²⁷ AWRT disagrees with the NAB and the Associations' position that placement of the EEO public file on a station's website is unduly burdensome. To the contrary, the administrative burden of compiling, preparing and retaining such reports is minimal compared with the importance of the goals underlying the rules. The EEO public file report is the only meaningful source of public information about a station's employment opportunities and activities, and therefore, that requirement should be adopted. Furthermore, since the NAB and Associations have recommended that all non-exempt stations post job vacancies on their websites as the primary means of advertising job openings,²⁸ their argument that posting the EEO public file on a station's website would pose an undue financial hardship on small broadcasters rings hollow.

As troubling as the proposed lack of public access, is the NAB and Associations' proposal that stations only be accountable for their outreach and recruitment effort by means of certification to the Commission every four years. This proposal is far too little and too infrequent to ensure the accountability of the respondent, not to mention the accuracy of the certification. AWRT reiterates its support for annual or (no less than) biennial certifications to assure ongoing compliance and attention to EEO obligations, and meaningful evaluation of a station's own recruitment activities.²⁹ AWRT believes that the FCC should have a more complete picture of an entity's employment activities than the year preceding the filing, as further outlined in AWRT's Comments.

²⁷ See NAB Comments at 29, Associations Joint Comments at 53, 55.

²⁸ NAB Comments at 40.

²⁹ See AWRT Comments at 15.

AWRT also believe that allowing anonymous filings with the Commission or a third party would encourage non-compliance with reporting requirements and thereby result in incomplete industry data. Accordingly, AWRT opposes anonymous filings.

E. The Proposals of the NAB and Associations Lack a Meaningful Enforcement Mechanism, thereby Inviting Non-Compliance.

Finally, the minimal regulatory proposals offered by the Associations and the NAB provide for no enforcement mechanism whatsoever. While the Associations and the NAB argue that stations' licenses should not be placed in jeopardy for non-compliance with EEO rules³⁰, they do not suggest any penalty that they deem appropriate for noncompliance. Clearly though, any EEO program adopted by the Commission must have a range of penalties for non-compliance; an enforcement mechanism is absolutely essential to ensure that all non-exempt stations engage in broad and meaningful outreach and recruitment.

To guard against leaving broadcasters "vulnerable to mistaken or gratuitous charges of discrimination",³¹ the NAB proposes to eliminate any FCC oversight, review or evaluation of a station's compliance with EEO rules. This proposal is particularly troubling for two reasons: First, it is premised on the flawed assumption that all charges of discrimination or failure to comply with EEO rules that might be identified in a petition to deny a license renewal application are illegitimate, and therefore any opportunity for submitting such charges should be foreclosed and barred from the license renewal process. Second, the practical effect of the proposal is to grant broadcast licensees an un rebuttable presumption of compliance with EEO

³⁰ NAB Comments at 36.

³¹ Id.

rules, irrespective of its actual conduct. Under this proposal, a station that failed to undertake recruitment activities, supplemental initiatives, required certifications and filings not only would suffer no adverse consequences, but would have no public accountability because petitions to deny on EEO grounds would not be permitted. AWRT believes that disallowing *any* public comment regarding a station's compliance with EEO rules would be far too sweeping a "pass" given to the broadcast industry.

The need for continued Commission enforcement authority in the EEO area is self-evident. Indeed, the anti-discrimination provision of the Commission's regulatory scheme is an essential component of every licensee's obligation as a trustee of a valuable public resource. If the Commission does not have the power to impose penalties upon broadcast licensees for violations of its EEO rules, there would be no point to this entire undertaking. There would be no downside to noncompliance and the entire regulatory scheme would become pointless. Thus, AWRT supports random audits to ensure compliance with the rules and appropriate sanctions if a station, through an audit, is found to not be in compliance.

The NAB and Associations argue that the Commission should defer any action on complaints of discrimination against broadcasters pending final action by the U.S. Equal Employment Opportunity Commission ("EEOC"). It is important to note, however, that the EEOC only oversees discrimination charges brought by individuals who are (or were) actual employees or who applied for a job.³² Since an individual cannot become an employee or

³² To file a claim with the EEOC, an individual must be an employee or an applicant for employment: "If you believe you have been discriminated against by an employer, labor union or employment agency when applying for a job or while on the job because of your **race, color, sex, religion, national origin, age, or disability**, or believe that you have been discriminated against because of opposing a prohibited practice or participating in an equal

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applicant for a job unless s/he is aware of a station opening, and since such awareness can only be attained through broad and comprehensive recruitment and posting activities by broadcasters, the FCC provides the only oversight of actual broadcaster recruitment activities and is the only agency that may hold broadcasters accountable for failing to comply with its proposed recruitment and reporting rules.

Because the FCC is not empowered to adjudicate individual complaints of employment discrimination, AWRT agrees that the Commission should retain its policy of generally deferring action on applications and in proceedings where such complaints are identified pending resolution by means of a final decision by either the EEOC or other governmental agencies and/or courts established to enforce non-discrimination laws. Notwithstanding its support of that general policy, AWRT supports the Commission's retention of discretion to take action absent a final decision by the EEOC or other agency/court, where the facts so warrant. AWRT reiterates its view that where persuasive evidence demonstrates repeated discrimination problems, the FCC should take swift and decisive action in applying appropriate FCC sanctions.

III. RELIANCE ON INTERNET DISSEMINATION ALONE IS NOT SUFFICIENT TO ACHIEVE "BROAD DISSEMINATION" UNDER THE FCC'S PROPOSED RULES.

The NAB and the Associations each advocate relying on website postings of job positions as the sole means of broadly disseminating information about position vacancies.³³

While the Internet is an increasingly important component of achieving broad outreach, by itself

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employment opportunity matter, you may file a charge of discrimination with the EEOC." From the EEOC website section entitled "Filing a Charge" available online at <http://www.eeoc.gov/facts/howtofil.html>.

³³ Although they propose providing notices of job openings to organizations that request such notices, the only mechanism for wide dissemination that the NAB and Associations promote is the Internet.

it is not adequate. The digital divide that still exists in the United States limits the availability and use of the Internet of certain classes of individuals. Factors such as income, education, age, marital/parental status and employment status still limit the availability and usefulness of the Internet to many individuals.³⁴ While it is beyond dispute that access to the Internet has increased significantly in the last few years and has greatly expanded opportunities to employers and prospective employees, it is noteworthy that the NTIA Report indicates that still as of 2001, 46.1% of the U.S. population did not use the Internet.³⁵ Moreover, the percentage of individuals in the United States that used the Internet for employment searches was only 7.5% in 2001, and job searching, as a percentage of Internet use, only ranked at 16.4% in 2001.³⁶

Since the goal of this proceeding is to ensure that notices of position vacancies are widely available to all sectors of the labor pool, it is simply unacceptable for the Internet to serve as the single source of widespread dissemination of job vacancies in the broadcast and cable industries. Moreover, the posting of jobs on a website (which website may not even be the prospective employer's) is a passive activity that requires no interaction with or commitment to local communities, and particularly those underrepresented in the employment pool. Accordingly, the Commission should reject the NAB and Associations' proposition that the Internet should be

³⁴ The increase in access to and use of the Internet by the U.S. population is described in *A Nation Online: How Americans are Expanding Their Use of the Internet*, National Telecommunications and Information Administration ("NTIA")/ U.S. Department of Commerce, February, 2002, and is available online at www.ntia.doc.gov/ntiahome/dn/anationonline2.pdf (hereafter, the "*NTIA Report*"). See Chapter 8 of the *NTIA Report*, "*The Unconnected*", describing in detail that the least connected generally are low-income, Black, Hispanic, or Native American, senior in age, not employed, single-parent (especially female-headed) households, those with little education, and those residing in central cities or especially rural areas.

³⁵ *NTIA Report* at 10.

³⁶ *Id.* at 30-31.

relied upon, by itself in the generic sense, to widely disseminate job vacancy information under the Commission's new EEO rules.

IV. CONCLUSION

For all of the foregoing reasons, AWRT urges the Commission to adopt the proposed rules outlined in the *Second NPRM*, subject to the modifications advocated by AWRT in its Comments. In sum, required widespread recruitment and broad outreach by all non-exempt broadcast stations and cable systems are warranted to ensure that equal employment opportunity is appropriately afforded to all.

Respectfully submitted,

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